I. **STATUTORY RESOLUTION SEEING DISAPPROVAL OF THE CONTRACT LABOUR (REGULATION AND ABOLITION) AMEND ORDINANCE.**

II. THE CONTRACT LABOUR (REGULATION AND ABOLITION) AMENDMENT BILL, 1986.

SHRI ASHWANI KUMAR (Bihar): Sir, I move:

"That this House disapproves of the Contract Labour (Regulation and Abolition) Amendment Ordinance, 1986 (No. 3 of 1986) promulgated by the President on the 28th January, 1986."

The question was proposed.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA); Sir. I beg to move;

"That the Bill to amend the Contract Labour (Regulation and Abolition) Act, 1970, be taken into consideration."

Sir, as the hon. Members are aware, the President promulgated an Ordinance on the 28fh January, 1986 to amend the Contract Labour (Regulation and Abolition) Act, 1970. The present Bill has been introduced to replace that Ordinance.

The purpose of the Bill is that the same Government should be "appropriate Government" in respect of an 'establishment linger the Contract Labour (Regulation and Abolition) Act, 1970 as also under the Industrial Disputes Act, 1947. This will help us in evolving uniform industrial relations policies and will also help in reduction in multiplicity of inspection agencies which is not administratively desirable.

I would urge upon the hon. Members to approve the Bill. It is a very small amendment and with this I commend the Bill for consideration.

The question was proposed.

DR. SHANTI G. PATEL (Mahathtra): Sir. let the Minister tell as to what led to the issue of this Ordinance. Was it some Supreme Court judges or what was the urgency about it?

MR. DEPUTY CHAIRMAN: The Minister will come back to it later.

DR. SHANTI G. PATEL: So that we can decide to support or oppose or whatever it is. Let him enlighten us.

SHRI GURUDAS DAS GUPTA: Sir, may I draw your attention to the fact jhat his reply will help us to take part in the discussion?

MR. DEPUTY CHAIRMAN: The statement was. laid yesterday. That is why I said that the Minister will come back to it later.

SHRI ASHWANI KUMAR. Generally, when the Minister moves the Bill for discussion, he gives all this first. So we will request him to do so.

SHRI K. MOHANAN (Kerala): Sir, I rise to oppose this Bill.

SHRI P. A. SANGMA; As usual!

SHRI K. MOHANAN: No, not as usual. The Minister has said that this amendment is ill. The amendment is very small. Sir, but the implication and repercussion of this small amendment will be widespread and hie.

This Government is always speaking for the poor and the downtrodden, the poor labourers and the lower strata of our society but from experience they are doing anything and everything against all these poor people including the poor labourers. This Bill is another blaring example 'of their attitude in this regard.

Sir, the Contract Labour (Regulation and Abolition) Act, the original Act, came into force in 1970 and sixteen years Wave elapsed since. I would like to know from the Minister to what extent and in what areas the provisions of this Contract Labour (Regulation and Abolition) Act have been implemented during* ^he last sixteen years. Not only are they not trying to implement % but they are preventing those who are prepared to implement it This small amendment is intended to prevent those who are in favour of imple-

mentmg the original Act by taking away such powers as are vested in the State Governments according to the original Act. They are taking away such powers from the State Governments to become all-in-all so as not to implement this Act. This is my first charge.

Sir, we know that the Central Government is the largest employer in this country, and it is expected that the largest employer, the biggest employer, must be a model employer. But, unfortunately, this Government—the biggest employer of this country-is behaving in a fashion worse than that of a private employer in many respects. Railways, FCI, coal, harbours, etc., are some of the major public sector institutions engaging lakhs and lakhs of contract labourers for decades together but still they are working without any job security and without definite service conditions. They are working like bonded labourers in many sectors, especially in sectors like coal. But with change in the political situation in some States, some non-Congress (I) State Government came to power and they took some initiative to implement this Contract Labour (Regulation and Abolition) Act in a phased manner at least in certain areas. The original Act empowered the State Governments to implement the provisions in the concerned States. Now by taking away such power from the State Governments, actually the Central Government is preventing them from implementing the provisions of the original Act in the respective States. So you are taking away the powers exercised by the State Governments till now under the original Act and thnough this you are committing another encroachment on the powers of the State Governments. That is my second charge.

For example, in West Bengal the Government there decided to abolish the contract labour system in a phased manner in the Burnpur and Durgapur steel mills and in the Durgapur fertilizer factory, etc. The Central Government authorities were deadly against the implementation of the Act passed by Indian Parliament. The Central Government is not only not implementing it, but when some State Governments are taking initiative, it is preventing them from doing so. Your authorities were deadly against the implementation of the provisions of this original Act in Burnpur and Durgapur.

Not only that. When the LDF was in power in Kerala in 1980, the Headload Workers Bill was passed to protect the interests of the poor headload workers. What was done by the Central Government? The Central Government insisted for deletion of Central institutions in that particular State from the purview of that Bill. Only after that, the Central Government gave assent to that Bill.

SHRI P. A. SANGMA; Will you kindly enlighten the House in how many of your State Government public sector undertakings you have done it?

SHRI K. MOHANAN: Yes. Ihat I have pointed out. The West Bengal Government has. implemented the provisions of this Bill, and they are trying to abolish the contract labour system in a phased manner there. But my question to you is in how many public sector undertakings of the Government of India you have implemented it. Can you tell me? Can you tell the House? No, you have not done. Not only that. At the same time, you are encouraging the contract labour system in each and every field. What is the case of the FCI? What is the position in the ' coal industry? In the coal industry, it was definitely stated on the floor of the House itself by the Minister that the contract labour system will be abolished after passing the 1970 Act. But still what is the position? Thousands and thousands of workers for the last 20, 25 years in service are still working as .bonded labourers without any definite service conditions or protection of iob. My point is that the dog is not eating the grass and it will not allow the cow to eat it and it is simply lying on it. Like that, you have passed this Act, but you are not prepared to . implement it. If anybody comes forward to Implement it. you are ag?inst it, now you are taking that power away from the State Governments. I knew yon have *9.* lot of pressure on you. That i_s why you have promulgated this Ordinance on the ' eve of Parliament Session.

(Shri K. Mohanan)

Not only that, Sir. But recently the Supreme Court verdict was there in a case of Surinder Singh and others vs. the Central PWD and the Union Government. In that case the Supreme Court awarded equal pav for equal work after six months' service. This was a historic verdict of the Supreme Court. Immediately after, I suspect that because of this verdict of the Supreme Court you have promulgated the Ordinance only two weeks back an 28th January. 1986—this session]began on 20th of February—some three weeks back, 21 days back, in a hurried manner. I ami not going into your approach of promulgating ordinances even on the eve of the Parliament session. But I suspect that you have promulgated this Ordinance on 28th of January, 1986 because of this Supreme Court verdict in favour of the poor worker. You are not doing anything in favour of them. That is why for the last 16 years this Act is lying idle. You 3 P.M. have done nothing with that. But in certain parts °f the country there are State Governments which are taking initiative *to* implement these in certain areas. Since you want to prevent it, you want to take all the powers from the State Governments and monopolise it.

Your argument is that there is a contradiction in the provisions of the Industrial Disputes Act and in order to eliminate that contradiction, you want to amend this Act by the present Bill. But actually your intention is quite reverse. Bv this amending Bill you want to monopolise all the powers. It is not in the interest of the people or the poor contract labour class. Even under the present Act, which has been in existence for the past sixteen years, you have done nothing.

I oppose this Bill because I know you want to take all the powers in your hands through this Bill which seems to be a simple one, but actually it is a very dangerous Bill.

SHRI V. NARAYANASAMY (Pondichery): Mr. Dep'uty-Chairman. Sir, I rise to support the Bill presented by the hon, Minister for labour.

The Contract Labour (Regulation and Abolition) Amendment Bill, 1986—is intended to narrow down the wide gap which is existing in this Act and the Industrial Disputes Act.

The definition of the 'appropriate Government' was' not in wider terms in the earlier Act. For the purpose of creating a line between this Act and the Industrial Disputes Act or to give the same definition in both the Acts, the present amendment is sought by the hon. Minister.

I would refer to the provisions of the Contract Labour (Regulation and Abolition) Act, 1970. I would submit that though this particular Act has been in force for the past sixteen years, the employers or the contractors have not taken care to see that its provisions are fully implemented. The workers, who are employed by the contractor, if their number is more than twenty and if their name is registered in the Office, are entitled to certain benefits and welfare conditions under this Act. They are entitled to overtime if they are to work beyond certain hours. They are also to be given good food apart from certain other welfare conditions. But the tragedy is that the persons who are doing the contract work illegally, are not punished. I would like to bring to the notice of the hon. Minister that there are certain industries, as defined under this Act, whether they are public or private sector industries, which have not been fully implementing the provisions though there is a machinery. Central and State Advisory Boards are set up to look after the welfare of the workers and also to streamline the Act. I do not know what suggestions they have given to see that the Act is implemented in letter and spirit. That is why I say that its provisions have not been implemented in true spirit.

It is a welcome thing that the hon. Minister has brought in this Bill to make . the measures more wider, but the other side of the picture is that this Act has not been fully implemented and the workers have not been given full benefit. The poor workers who have been working for more than eight to ten hours a day are not paid over-time. Their welfars is not

looked after. The workers in the un-organised sector have not been organised properly.

Now-a-days the construction industry has become a very big industry in the country. The contractors are doing the construction work. More than a thousand people are employed' in this industry. Apartments are being built and the labour is being employed cleverly for a limited period after which they are replaced by other workers. Therefore, there is no codified law for labourers who are employed under the contract labour in the construction industry. In this connection, recently a Private Member's Bill was also brought forward in this House. While replying to this Bill, the Honourable Labour Minister said that he would take necessary steps for giving protection to the labourers who are employed under contract in the construction industry. But so far nothing has happened. There are several industries in which workers have been denied the right to get all the labour welfare measures under the labour laws. Therefore, I would like to submit to the Honourable Minister that labour welfare measures should be implemented sincerely for these workers.

Before T conclude, I would like to add one more point. The concerned officers who are working in the labour sector think that it is their administrative duty to prosecute a person if he files a suit in the court. Indeed it is a sad State of affairs. I request the Honourable Minister to pay more attention for punishing such officers who take action against the labourers who £0 to couit.

I hope the young and energafic Minister will pay more attention to these problems and protect the interest of the labourers.

With these words, I conclude my speech. Thank you.

DR. SHANTI G. PATEL: Mr. Deputy Chairman, Sir. on the face of it, the Bill appears to be very innocuous and probably trying to correct some anomaly which appears to be in the two pieces of legislation. But when one comes to know that an Ordinance was issued; and that too, just on the eve of convening of the session, one thing surprises every one in this House, what could be the motive behind it? That is why in the beginning I asked the Labour Minister a very straight question: Why he brought this partic.ilar Bill? What justification he saw for issuing the Ordinance? Unless a satisfactory explanation is coming forth, one is led to believe that there is some ulterior motive behind it. My hon. friend. Mr. Mohanan has already made a reference to one aspect of it that to deprive the State Governments of the powers that they used to enjoy under this particular law are sought to be taken away by making this amendment to the original Act. If that is so, it must be condemned. I am sure the Minister will have the courage to withdraw this particular amendment Bill. If there is any other purpose he is welcome to explain.

But I would like to submit, Sir, that this matter of contract labour is something which is existing and I am very sorry to say existing in this country even after 39 years of independence. The State Government Labour Ministers Conference which was convened recently by the Union Labour Minister in New Delhi lvs come to the conclusion that this piece of legislation particularly that part of it under which certain jobs or works have to be declared as works which should not be given on contract is not being implemented properly. Mr. Deputy Chairman, Sir, may I have the attention of the Minister? let me stop till he concludes his talks.

SHRI P. A. SANGMA: I am listening.

DR. SHANTI G. PATEL: That is why in the conference it was said that this is one responsibility which should be implemented effectively. This is one of the decisions.

Even after 16 years of enacting this law, the state of affairs is that they failed to discover as to which are the works or jobs which should be put beyond the contract type of work.

Sir, as such the Government of India's performance in this particular regard is

[Dr. Shanti G. Patel]

extremely poor. What they have done? They have included a few categories or few industries. This is what they have done. Sir, you are aware, and the House is aware, that when such explosion like Asiad, Tata Steel Works, Bhilai Steel Works takes place, then there are strikes for indefinite period even leading to violence, it is then the Government wakes up and tries to do something. Ts it necessary to wait till such events take place? Is it necessary *to* \vait for such events to make us wake up?

The worst part of it is that the largest number of contract labour is being employed in the public sector undertakings and that, too, under the Centre. May I know from the Minister as to what steps his Ministry has taken to see that this is undone, that this does not happen? In a recent survey, it was found that four lakhs of workers were under contract jobs in the public sector undertakings. This was a survey which was being conducted under his own Ministry; it could not be completed. But the information that was available showed this. It is not merely that; there is a collusion between the contractors, the povernment Inspector and the employer. The contract labour is sought to be deprived of certain facilities which are guaranteed under this law like fair wage, no *mala.fide* bjreak in service and things like that This particular legislation is not allowed to serve the purpose for which it was meant.

Very recently the St?prem$_e$ Court went into this particular case in 1985 in connection with the BHEL case, another public sector undertaking. The matter went to the Supreme Court and the Supreme Court sa'd that under the provisions of the present law, w$_e$ cannot declare particular jobs or works as of a contract nature. If contract labour is to be abolished, then this will have to be done by the Government. It is only the Government which can do it. The matter was referred for investigation and further action. This is the position. | Though the Supreme Court appeared to be convinced, they could not come to a conclusion till the matter was gone into by ' the Government concerned. Thia is the position.

Another development that has taken place in recent years is that the Government has put a ban on recruitment..This is a ban without any justification. Because of the ban, the Government department are being prevented from filling up the vacancies which are occurring in the normal course. So'what they do is that they have the jobs on contract. I can name a number of public sector undertakings. I can mention, for his information, the Bombay Pert Trust. He can make enquiries through the Regional Labour Commissioner at Bombay as to what is being done there. What is the Labour Ministry doing in this regard? Are they active? If any such case is brought to the notice of the Labour Commissioner, what he says is that he cannot do anything; he can only do the regulation. The regulation provision is going against the interests of the labour. Where exploitation is sought to be prevented, this regulation comes in the way. So they pay, all right, this is a bjb which may be permitted to b$_e$ given on contract. That is how things arc goina on. So I would like to appeal to the Minister; let him enquire into these instances of anti-labour practices which are being indulged in under the guise of this particular law and see that they are stopped once and for all. With these words, I would suggest that he may clarify as to what is the particular purpose behind his amendment. Th>:n we can give our opinion. Otherwise we cannot support it.

SHRI GURUDAS DAS GUPTA (West Bensal): Sir. after 16 vearc of enactment of the law on abolition of contract labour, the simple and plain truth is that contract labour is expanding rapidly in the country. And.it i$_s$ expanding not only in those sectors which are run by the private industrialists or monopolists, but it is expanding under the nose of the Labour Ministry even in its department, in othei- Government departments and in public sector Undertakings. Hon. friends from that side have raised a point *very* cogently. But et me tell you. Sir, that there is in law a definite provision that a perennial nature of

work cannot be treated as contract labour. But this perennial type of job Is being considered as contract labour in different departments, and the Labour Ministry is sitting idle. Let me give you instances. Not only in coal. In Port and Dock four years back there was a joint committee where the management, the trade unions and the Government were represented in a very equitable way. That committee recommended that contract labour should be' abolished in Port and Dock. The recommendation was given to the Labour Ministry. Then the Port and Dock authorities, which is a Government of India undertaking, applied for exemption from the abolition of contract labour to the Labour Ministry itself, and the Laoour Ministry is sitting silent on it. You make a law. It i_s violated and the authorities concerned applied for exemption and you don't take a decision on the question of exemption. If that is the situation, then, wnat else can the conclusion be except that the Labour Ministry is in collusion with the violation of the law that the Government itself or the department itself has made? Therefore, I charge the Labour Ministry of being in collusion with those who were against implementation of the Government law at least in respect of contract labour. I hope the Minister will not fail to answer this. It is not a question of entering into a debate as to how much of contract labour has been abolished in West Bengal by the Left Front Government. It seems nowadays the Ministers are under a-spectre and the spectre is the Left Front Government in West Bengal. Off and on they just 8° °n saying what yon have done in West Bengal. Do you mean to say that a small State like West Bengal shall be doing and discharging the responsibilities that the great Government of India hag failed to discharge? Let it not be a matter of political controversy in deciding such a vital and important question such as the question of contract labour....

SHRI LAXMI NARAIN (Delhi): They are the contractors of the labour. They should show the path. He is defending his Government because West Bengal Government has not abolished the contract labour system; rather he has added....

SHRI GURUDAS DAS GUPTA: 1 ihaak the honourable Minister for his ad mission....

AN HON. MEMBER: He is not a Minister.

SHRI GURUDAS DAS GUPTA: I call him a Minister because he has replied on behalf of the Minister. He may not be a Minister today. I wish him to be a Minister tomorrow. He is the prospective Minister; otherwise, why is he interested in replying to my question? ....

SHRI LAXMI NARAIN: We know how ministers are manufactured in Bengal?

SHRI GURUDAS DAS GUPTA: At least ministers are manufactured more in Centre than in West Bengal. Sir, you know the facts and figures and you will kindly certify. Anyway, we are not interested about the existence of contract labour in the Ministry of Government of India. You may have contract ministers, you may have prospective ministers, junior ministers, senior ministers and so on. Whatever it be, it is your business it ja the business ot the ruling party. But the existence of contract labour more than the normal is definitely a matter of grave concern to us. Contract labour may not be a concern to them because they are appointed by a single-man authority, but to us, for the lakhs of unorganised labour it is definitely^ a matter of grave concern. My point is, II would like to know from the Minister what the record of performance of his, Ministry is, specifically of his Ministry, over the last 16 years! I say that the Government of India is not only the biggest employer but it is the worst offender. 1 charge the Government of India, it is the worst offender. To give jivst one example, and I contest the survey made by the Labour Ministry that there are only four lakhs of casual or contract labour in the public sector. The figure is absolute rubbish. Let me give you one instance. In the railways—the railways i_s the biggest employer, the biggest Government agency, employing 20 lakh workers—out of these 20 lakh workers, 7 lakh workers are contract labour. Let the honourable Minister say who the workers are who are repairing the railway track; let the Minister say who

[Shri Gurudas Das Gupta] the workers are who are cleaning; Jet the Minister say who the workers are who are working day and night on the railway track, laying the railway lines. Are they not contract labour? And what is the benefit of the job? They do not have any provision for gratuity, for provident fund, they do not have even accident insurance. The worst form of sub-human labour is continuing in Government and Government is maintaining that. It is not $_0$^V 'n the case of the Railways, but it is also there in the case of the coal industry. Sir, we are having in the coal industry a general strike on (he 7th April. On (he 7th of April there is going to be a strike by the coal workers in the coal industry and 1 do not know whether the Labour Minister knows about it. One of the main demands of the coal workers is the implementation of the assurance that the Government has given and the demand is the abolition of the contract labour system in the coal industry. Out of about seven lakh$_s$ of workers in the coal industry, about one lakh workers are contract labourers. There has been a definite decision that the contract labour system in the coal industry would be abolished. But that has not been done. Why has that not been done? It is because the management of the coal indsutry, which happens to be a Government of India Undertaking, has applied for exemption! What is the decision of the honourable Minister on the application for exemption, sir, these people are giving the excuse that they are not implementing the assurance because they have applied for exemption and the authorities who are to give that exemption are sitting tight over the issue, sitting tight on the file. *{Time bell rings).* They are deli deliberately sitting tight on it so that time is fgiven to the employers. Time is just given to the employers to give this as a plea so that they can continue with the worst form of contract labour. The matter rests with the Labour Ministry and, Sir, the Labour Ministry has been so gracious as not *to* take any decision in the matter. Therefore, I charge the Labour Ministry with inaction in the case of the coal workers, in the case of the port and dock workers, in the case oi the railway workers and also in the case of the FCI workers.

Sir, building-construction industry rests only on contract labour. The Government gives the contract for the construction of buildings to the contractors. Do they not know that the contractors are engaging contract labour? Why can't a pre-condition be made to the effect that the building contractors should not employ contract labour? While giving the contract to the contractors for the construction of government buildings, why can't it be made a pre-condition that the contractor should not employ contract labour, but the labour should be permanent labour only? Why cannot such a condition be imposed? Therefore, Sir, my point is the same as it is in the case of other points; You have decided to abolish . the Zamindari system and that Act is followed more iu its breach than in its observance. You have $_e$nacted a law for minimum wages and that Act is being implemented more in its breach than in its observance. You have enacted a law for the abolition of contract labour and that law is being followed more in its breach than in its observance. This is the character, this . is the record, this is the history, this is the performance and this is the inglorious attitude of the Government of India and its Ministries towards the. working people. You sign a particular thing with one hand and by another you take it away. You make a law and then you violate it; you take a decision and you allow the decision to be violated by the people belonging to your own industry. Therefore, Sir, on behalf of my party, on behalf of the trade unions, on behalf of the many who do not belong *to this* side, but who belong to that side—because I know there are many people who dare not speak—I demand that the Labour Ministry, instead $_0$f being a passive spectator, should become an effective organisation and it must become effective in upholding th$_e$ interests of the workers and it should not sleep over and

it should see that things are not just allowed to happen. The Labour Ministry should apply its mind and it should be effective in defending the interests of the workers. Otherwise, Sir, what i$_s$ the use or utility of spending so much money on the Labour Ministry itself?

MR. DEPUTY CHAIRMAN: Mr. Puttapaga Radhakrishna.

SHRI PUTTAPAGA RADHAKRISHNA (Andhra Pradesh): Sir, the Minister, while introducing the Bill has described it as a small one. Really Sir, it is a small one because it has only three clauses. You may say that it is a small Bill. Though it is a small one in letter, it is a big one in spirit. The Bill, by a single stroke, is taking away the powers of the "effective" Govern* ment and it is vesting the powers in the hands of the Central Government.

Sir, first of all, I take objection to the way in whkh the Ordinance was issued to amend this Act. The Ordinance was issued on the 28th lanuary, 1986, that is, just three weeks before the commencement of the Budget Session of Parliament. This provision for issuing Ordinance was made in the Constitution only to meet an emergency. But I do not find any emergency now. It is like a life-saving drug. I do not know that they are going to use it- This Act was enacted in 1970 and in all these years it lias been enforced and, all of a sudden, they have now found the neces-' sity for this amendment and they have come forward with the Ordinance. So this is the first objection.

The next one is that the Ordinance was issued to amend this one, and the Govern- ' ment is taking away not only the powers of the. State Governments but they are making the effective governments ineffective, most ineffective.

Sir, much was spoken about contract labour which is not only in the private sector but also on the international front. A lot of labour is going outside on contract basis, and more particularly the people who are taken outside the country are put to much harassment. Sir, I hail from Mehboobnagar distict of Andhra Pradesh. My district is a place from where a lot of labour is going outside the country and also within the country out of the State. Our labour is known as Palmoor labour. They are known to be very hardworking and they are spread out in the entire world. And they are the first victims of harassment. They are taken to far away places. They are not looked after well. They arei not provided with the minimum requirements, minimum amenities. They are treated like animals. They are taken away to far off places and they have no money to return home. They are bound to remain there and ruin their lives. So I request the Government to take some steps to look into the matter to save the labour who are taken to far away places, particularly the labour from Mahboobnagai district. I suggest to the Minister to consider making a registration provision in the Bill. Whenever labour is taken to far away places, the contractor has to register the labour with the District Collector or the District Magistrate or some labour authority. I also suggest to extend the insurance provision to the contract labour.

So, with these suggestions, I oppose the Bill.

SHRI S. W. DHABE (Maharashtra): Sir, I do not understand the propriety of issuing ordinances on such matters. The Ordinance was issued on the 28th January, 1986 a few days before the Parliament was about to meet. It is a case in which you must protect the House and direct the Minister that such things will not be repeated in future. When the Parliament was about to meet why was such a step taken? What was the urgency? They could have brought a regular Bill.

Now, Sir, I find from this Bill that a very important provision has been made, taking away the powers of the State. Governments and the Central Government is made the authority. The Sarkaria Commission is considering the Centre-State relations. I fail to understand why the new Labour Minister has taken this unusual step. '

Sir, this Act which has been in operation since 1970 has many infirmities and requires a large number of changes. I do not understand why the Government has not taken this opportunity to change the law. The definition of 'workmen' requires many changes. Many Acts have been changed. It is not exceeding Rs. 500 in this

[Shri S. W. Dhabe] Act. This has been changed; the limitation has been taken to Rs. 2500. Various Acts have been changed. The Industrial Disputes Act has been changed. I find that the definition of this Contract Regulation Act still remains old. The National Labour Com- . mission on this matter of labour legislation has said that there are 108 labour legislations On the statute. They have different terminology and different definition even for workmen, wages, retrenchment and contract of service. It has led to a lot of litigation. So, a study Group was appointed by Justice Gajendragadkar who was the Chairman of this Commission to make a recommendation in order to simplify and evolve a common labour code. They have suggested three legislations. One should be industrial relations law. The second should be for recovery purposes in respect of wages, etc. The third should be a social security. The report was submitted in 1969. Till now, the Government has not taken any steps to eliminate the labour laws. I think there is no family planning at all in the multiplicity of labour laws and the labour laws are being multiplied. I would suggest *to* the Minister to codify common labour laws and common labour legislation under one legislation.

About this Contract Labour Regulation Act, J want to suggest to the Minister that contract labour ssytem should not be introduced in future by the public undertakings and Government Departments. Even today I heard that the Railway Ministry is inviting tenders for reservation purposes for • the railway stations. Many things are done under contract. The contract system has got two aspects. One aspect is what is called unfair labour practice's. The contractors pay less wages to the workers. They take the contract and pay less wages to the workers. Secondly, there are no social security arrangements like Provident Fund and Gratuity. These are the main objections about the contract laws. Even the oil companies and corporations whose job is not only to store oil and petroleum! products but also to protect them, have started this. Now, the industrial security guards in all these oil corporations are being employed on contract. The security guards are paid Rs. 150 or Rs. 200 or Rs. 300 and the security of important establishments is given in the hands of the contractors. Who win be responsible for security? Therefore, if the Contract Labour Abolition Act is to be successful, Government must issue the guidelines and see that no contractors are introduced in the public undertakings, especially establishments like the Indian Oil Corporation, Food Corporation of India and so many others. The second aspect is that when the work is of regular nature and continues for a long period, there is no reason why contract system should be there. The reasons is that the Government has put a ban on recruitment of .employees. The employers, are using this ban to get the work done through contractors. The money .spent is the same so far as the Government is concerned. Who gets the advantage is the contractor. I would appeal to you, taking advantage of this Bill, that the Government must enforce this legislation seriously and see that the labour employed, whether under contract or otherwise, gets a proper and fair deal.

MR. DEPUTY CHAIRMAN: Now, the Mover of the Resolution, Shri Ashwini Kumar.

श्री अश्विनी कुमार : माननीय उपसभापति महोदय, मेरे कई मित्रों ने बात रखी है। यह वास्तव में समझ में नहीं आता है कि इस सदन के प्रारम्भ होने के 20 दिन पहले अध्यादेश की क्या आवश्यकता थी। जो कल एक स्टेटमेंट दी गयी है उससे ऐसा लगता है कि 31-10-85 को सुप्रीम कोर्ट के सामने अटार्नी जनरल ने कुछ आश्वासन दिया था और वह केस जब दुबारा आ रहा था, तब उस केस के लिए ही यह आर्डिनेंस दिया गया, ऐसा कुछ लगता है।

मैं इसका स्पष्टीकरण चाहूंगा और वह जो रद्दोकारन 30-10-85 को हुआ था, तो उसके बाद पूरा एक विंटर सेशन पार्लियामेंट का हो गया, उसमें वह कानून बन कर आ सकता था। परन्तु ऐसा लगता है कि सरकारी मशीनरी

जो है, उनको पता है कि हम सोते रहेंगे, सोते रहेंगे और अंत में आर्डिनेंस के द्वारा काम कर लिया जाएगा और आर्डिनेंस सरकार करेगी, बहुमत है, पास होना है। कितनी बार सदन के अध्यक्षों ने कहा है कि आर्डिनेंस कम से कम लाने चाहियें और सदन के तुरन्त पहले नहीं लाने चाहिएं। परन्तु ऐसा लगता है कि आज की सरकार की जो ब्यूरोक्रेसी है, वह इसको बिल्कुल समझती नहीं है और दूसरे जो संसदीय परम्पराएं हैं, सदन की इस प्रकार की परम्पराएं हैं, उनकी अवहेलना की जा रही है।

अब हमने देखा था कि वित्तीय मामलों में क्या हुआ था। मैं उसकी चर्चा नहीं करना चाहता, परन्तु इस प्रकार की अवहेलना उचित नहीं है और जब सदन आ रहा है, उसके सामने रेगुलर वे में कोई एकदम आपत्काल स्थिति ऐसी हो कि आज नहीं आएगा तो बड़ी मुसीबत आने वाली है, देश की सुरक्षा को खतरा खतरा है, कोई बहुत बड़ी समस्या है, उस समय अध्यादेश लायें, तो उसका स्वागत होता है। तो मैं इस परम्परा के नाते इसका विरोध करता हूं।

दूसरी बात, इस बिल के अन्दर 1970 का बिल जो चला आ रहा है, कांट्रेक्ट लेबर रेगुलेशन एण्ड अबालिशन एक्ट, के अंदर एप्रोप्रिएट अथारिटी को इसमें डिफाइन किया गया है और जहां केंद्रीय सरकार थी, प्रांतीय सरकार थी, उन सब को ला कर केंद्रीय सरकार में निश्चित कर दिया गया है। आज अनुभव ऐसा हो रहा है कि अत्याधिक केंद्रीयकरण होता चला जा रहा है। हर बात का और इस केंद्रीयकरण का परिणाम यह है कि निर्णय होने में विलम्ब लग रहे हैं। एक सुबेर का प्राबलम होता है, बिहार के किसी कोने ;, वह रांची जाता था, पटना जाता था। अब सम्भवतः उनको दिल्ली तक आना पड़े। इसी आधार के ऊपर सुप्रीम कोर्ट के बारे में कई बार कहा गया है कि उसकी एक बेंच होनी चाहिए दक्षिण में। परन्तु यह जो लेबर के छोटे-छोटे मसले हैं, इन सब का केंद्रीयकरण कितना उचित है, मुझे लगता है कि सत्ता का विकेंद्रीयकरण इस देश के लिए ज्यादा आवश्यक है और यह जो केंद्रीयकरण करने की जो परम्परा चल पड़ी है यह गलत है।

आज जब यह कानून बन रहा है, हमारा इसी बात पर विरोध है कि आज जितने लेबर कमिश्नर्ज हैं, जो इनको देखेंगे केन्द्र में, उनकी संख्या इतनी कम है कि वहां तक दौड़ कर पहुंचने में गरीब लेबर को बहुत बड़ी समस्या होने वाली है। या तो सरकार इसकी व्यवस्था करे—जिसका इसमें कोई प्रावधान नहीं है, बाद में हो सकता है।

मैं आपके माध्यम से सरकार का और मंत्री जी का ध्यान आकर्षित करना चाहूंगा कि जब यह अपने ऊपर जिम्मेदारी ले रहे हैं, प्रांतीय सरकारों से जिम्मेदारी हटा रहे हैं और स्वयं अपने ऊपर जिम्मेदारी ले रहे हैं, तो इसकी पूर्ण व्यवस्था होनी चाहिए कि जो कान्ट्रैक्ट लेबर है, जो परिश्रम करते हैं, उनको शीघ्र से शीघ्र, निकटतम न्याय मिल सके, इसकी व्यवस्था होनी चाहिए।

सारे इस कांट्रेक्ट लेबर एक्ट में कहीं भी समय सीमा नहीं दी है कि अगर कोई अपना दुख-दर्द रखता है, तो कितने दिन में वह तय होगा। मैं आपके माध्यम से यह भी कहना चाहूंगा, जैसा मेरे मित्र धावे साहब ने कहा कि पुराना कानून बना हुआ है, समय बीतता जाता है, उसमें आमूल-चूल परिवर्तन की आवश्यकता है और हम देखते हैं कि बराबर सरकार की ओर से पोसमोल अमेंडमेंट आती हैं, छोटी-छोटी अमेंडमेंट आती हैं, इतनी छोटी-छोटी अमेंडमेंट आती हैं कि अच्छे-अच्छे वकील, साधारण व्यक्ति को तो छोड़े दीजिए, यह भी सब को जोड़ कर ठीक से समझ नहीं पाता कि आज किस विषय का कौनसा कानून है।

सरकार को इस दिशा में कदम उठा कर एक निश्चित कानून बनाना चाहिए। उसमें बहुत सारे परिवर्तनों को जोड़ना चाहिए और फिर उस कानून

[श्री अश्विनी कुमार]

के अंदर जो धारायें हैं, वह लागू होती हैं कि नहीं होती हैं ? कान्ट्रेक्ट लेबर के बारे में मेरे बहुत सारे मित्रों ने कहा है। मैं दो-चार उदाहरण आपके सामने रखना चाहूंगा कि आज भी इस कानून के होने के बाद भी लेबर के ऊपर प्रांतीय सरकार, केन्द्रीय सरकार के कई प्रकार के कानून हैं, इतनी मल्टीप्लिसिटी है कि उसके अंदर छोटे-छोटे वकीलों को समझने में कठिनाई हो रही है। उसका एक सरलीकरण हो। इस एक्ट के अंदर कुछ सुधार लाने की आवश्यकता थी।

इस एक्ट की 16, 17, 18 धारा के अंदर कांट्रेक्ट लेबर जहां पर है, वहां पर कैंटीन, रेस्ट हाउस, ड्रिंकिंग वाटर, यूरिनल, वाशिंग, फर्स्ट एड, बहुत सारी व्यवस्थाएं करने का प्रावधान है। परन्तु मैं मंत्री महोदय से निवेदन करना चाहूंगा कि दिल्ली के आसपास जो कांट्रेक्ट्स पब्लिक सैक्टर कर रही है एन० बी० सी० सी० और एन० बी० सी० सी० और इसी प्रकार की संस्था है सरकोन, सरकारी संस्थाएं हैं, उनके अन्दर सरपराज विजिट करके अगर वे देखेंगे तो उनको लगेगा, जितने वे सहृदय हैं, मैं जानता हूं, उनकी आंखों में भी आंसू आ जाएंगे। मेरा अपना अनुभव है एन० बी० सी० सी० के काम के ऊपर, जमुना के पार जो ड्रिंकिंग वाटर का बड़ा भारी प्रोजेक्ट चल रहा था, अधिकारियों को सूचना देकर हम लोग पार्लियामेंट के तीन व्यक्ति वहां गए थे, वहां पीने के पानी का नल एक दिन पहले लगा था, उसी दिन कुछ दवा लाकर उन्होंने रखी थी, जबकि काम तीन साल से चल रहा था, वहां न कोई खाने की व्यवस्था थी, न पीने की और न रेस्ट रूम वगैरह की व्यवस्था थी, इतनी अवहेलना ? प्राइवेट ठेकेदार अवहेलना किया करते हैं, उसको तो छोड़ दें, जबकि दिल्ली नगर के अंदर काम हो रहा है, और बड़ी भारी सरकारी काम हो रहा है" उसके अन्दर इतनी अवहेलना हो रही है. इसका किस प्रकार से चिन्तन करेंगे। मैं इनसे इसके बारे में निवदन करना चाहूंगा।

फिर मान्यवर, दूसरा जो प्रोनियल नेचर है, जो रोज काम होता है, मेरे ध्यान में है, उसकी ओर मंत्री महोदय का ध्यान आकर्षित करना चाहूंगा। बहुत सारे पब्लिक सैक्टर के ऐसे काम हैं, जहां पर कि स्वीपिंग, क्लीनिंग, डस्टिंग, वाचिंग, ये सारा काम कांट्रेक्ट पर लिया जाता है। मुझे याद है पिछले दो साल पहले मैंने लेबर मंत्रालय से बहुत पत्र-व्यवहार नांगल फर्टिलाइजर फैक्टरी में वहां पर जो स्वीपर हैं, जबसे फैक्टरी बनी है, वर्षा से, तब से कांट्रेक्ट लेबर चल रहे हैं, इसको परमानेंट करने के लिए किया कि इनको परमानेन्ट करना चाहिए। यह पैरो-नियल नेचर का काम है, रोज झाड़ू देना है झाड़ू काम एक महीने में एक दिन नहीं लगता है, जितने स्थान पर देना है, रोज दिया जाता है। उपाध्यक्ष महोदय, मैं आपके माध्यम से मंत्री महोदय का इस ओर ध्यान दिलाना चाहूंगा कि उस सारे पत्र-व्यवहार का अन्त में यह अर्थ हुआ था कि जो कुछ हो रहा है, इसको परमानेण्ट नहीं किया जा सकता। तो ये कुछ दष्टान्त हैं जिससे ऐसा लगता है कि इसके अन्दर बहुत सारी त्रुटियां हैं और इसके सरकारी संस्थाएं ही अगर गलतियां करेंगी तो किसको सुधारने की बात हम करेंगे, जो कि आदर्श बन सकता है। यह मेरा एक दूसरा इसके बारे में कहना है।

जहां तक पावर आफ एग्जम्पशन का है, सैक्शन 31 के अन्दर, इसमें भी आमूल-चूल परिवर्तन की आवश्यकता है। मेरे कुछ मित्रों ने बताया है कि पावर आफ एग्जम्पशन के लिए एप्लाई करके लोग बैठ जाते हैं। मेरा आपके माध्यम से श्रम मंत्री जी से निवेदन होगा कि इसके अन्दर भी एक समयबद्ध कार्यक्रम होना चाहिए कि अगर आज एप्लिकेशन दी है, तो महीने, दो महीने, तीन महीने में या तो वह रिजेक्ट होनी चाहिए या फिर एक्सेप्ट होनी चाहिए, यह नहीं कि हमने एप्लीकेशन दे दी, वर्षों तक कुछ नहीं हो रहा है, यह टलता रहता है, यह बिल्कुल उचित नहीं है। मजदूरों के लिए बहुत ही विचित्र प्रकार का है और इस प्रकार की घटनाएं जो हैं, ये मजदूर विरोधी हितों में जाती हैं। सरकार मजदूरों के विषयों में करना चाहती

है, मंत्री-महोदय करना चाहते हैं, परन्तु वह तंत्र भी जब तक ठीक नहीं करेंगे, जो वहां तक बात पहुंचे, तो इसका कोई लाभ नहीं होगा। इसलिए इसमें आमूल-चूल परिवर्तन की आवश्यकता है।

फिर इसके अन्दर एक क्लॉज 25 है आर्फेसेस ब.ई कंपनी। अब बड़ी बड़ी कंपनियां हैं, मैंने एन० पी० सी० सी० और एन० बी० सी० सी० का नाम लिया, इसके अतिरिक्त बहुत सारी प्राइवेट कंपनियां है, लिमिटेड कन्सर्न हैं, सबके यहां लगभग एक सरीखी हालत है। मैं मंत्री महोदय से जानना चाहूंगा कि उनको सजा देने का अधिकार तो उन्होंने प्राप्त किया हुआ है, इस कानून में 1970 से, लेकिन 1970 से आज तक कितने लोगों पर इस कानून के तहत् कार्यवाही हुई है, कितनों के ऊपर कानून का उपयोग किया है, कितनों को दण्ड दिया गया है और क्या दण्ड दिया गया है ? केवल दण्ड का प्रावधान करके रख दिया है या फिर जो लेबर-इंस्पेक्टर जाते हैं और सलामी लेकर चले आते हैं और जो होता है, वह चलता रहता है। इसको कैसे शुद्ध किया जाएगा, यह सोचना है। वस्तु-स्थिति यह है कि हम लोग यहां कुछ चर्चा करते हैं और यह बात धरातल पर पहुंचती ही नहीं है। मैं आपके माध्यम से निवेदन करना चाहूंगा कि इन सारी चीजों का आमूल-चूल परिवर्तन करके एक बड़ा कंप्रहेन्सिव बिल लेकर आते। तो श्रमिकों के लिए किसी भी अच्छे काम को करने का मैं हार्दिक स्वागत करता और समर्थन करता। लेकिन जिस ढंग से यह आया है, उसके कारण अति कष्ट हुआ है, विशेषकर इस आर्डिनेन्स के कारण हुआ है, इस नाते मैं इसका विरोध करता हूं।

SHRI P. A. SANGMA; Sir. I thank the hon. Members who have participated in this debate. I said in the very beginning that it is a very small amendment. Mr. Mohanan said that though it is a small amendment, it has big implications. 1 agree with him that it has big implications because by this amendment, as I said in the beginning, we are moving towards evolving a uniform industrial relations policy. This has been precisely the objective behind this Bill. Some hon. Members said as to what did we find in the working of it for the last 16 years. These amendments are as a result of our experience in the past. We have found that in certain matters, there have been some differences of opinion among the State Governments and therefore, we thought it will be better for us to evolve a uniform policy rather than leave it to the States and have different opinions on different issues. But the question that everybody raised was, why was it necessary to come up with an Ordinance when the Parliament session was about to be held. At the time the Ordinance was issued, the session of Parliament was not yet called. It should be made very clear. The summons for the Lok Sabha or the Rajya Sabha had not been issued...

SHRI S. W. DHABE: Everybody knows that the session is held in February.

SHRI P. A. SANGMA: You say we could not wait for three weeks.

SHRI GURUDAS DAS GUPTA; It seems the Minister is not in the good books of the Government and. therefore, he was not informed of the decision about the Parliament session.

SHRI P. A. SANGMA; 1 suppose 1 am in your good books that is enough for me. So, the question was raised as to why we could not wait for three weeks. Sir, if the Government does not take a decision even for one day or two days, they say Government is inactive and cannot take a decision. Three weeks' time is a long period. The question is whether the way we

have acted is constitutional or not and wueiner tne uoverumeiit is competent to oring tms cnauee *oy* an Ordinance. 1 mink, we are-aosomteiy witoin tne provisions or tne <-onsu-Uuion 01 intua.. 'J.nen the question was, wnat was tne motive ana whether tnere was an ulterior motive involved or was tnere an attempt to take away the powers of tne S<-ate Government, i must mane it clear that there is no ulterior motive. The intention is not to take away the powers oi the State Government The sole intention is to bring a uniform labour policy in the country. Secondly, as I said in the beginning, this will help us in reducing the multiplicity of inspection agencies. Even here we want to bring some sort ol uniformity.

Another important point raised by the hon. Members has been as to how the Government of India has implemented the contract labour laws. One thing has to be understood carefully that the Contract Labuur Act does not envisage complete aoolitton of contract labour. It only envisages abolition in certain areas under certain conditions and circumstances laid down under section 10 of Contract Labour Act. There is no question of completely banning it. There is the question of banning it only in certain *sectors* and for the purpose of banning it, it is the Central Government which is the appropriate authority in certain sectors, and then the State Government which is the appropriate authority in .cerain othe* sectors. Mr. Gurudas Das Gupta raised the question about the building industry. For his information, 1 would like to point out that in the case of construction industry, the appropriate authority is the State Government. The hon. Member may please find out from his Government, the Government of West Bengal, how much they have been able to implement. Vou have admitted that they have not been able to implement it. ine u-overnment of Wesi -tseagai cannot he compared to the Central Government oecause you are too smail ana we are too pig. I am happy, you have admitted it. I have a tun list 01 tne areas where' we have implemented it. *{Interruptions)*

. SHRI GURUDAS DAS GUPTA; What about coal?

SHRI P. A. SANGMA: You have accused the Central Government. Can you cite instances where you have implemented tnis. Even Mr. Mpnanan has said thai they are trying to implement it in a phased mam ner. But in the Central Government we have done it.. As I said, I have got a whole list of industries and sectors where this has been done. 1 admit;, there have oeeu violations, a lot of violations in many other areas. But we are not silent *on* that. Wo have taken action, jio you want me to give the list of areas where we have done this? 1 do not think so. In areas where there have been violations, we have taken action, where the Central Government-is the appropriate authority. I wilt cite just two examples. In 1983, we launched prosecutions in 2,458 cases and out of these procecutions which we launched, in 1,381 cases, there have' been convictions. In 1984, out of 2,508 prosecutions we launched, already, in 1,808 cases, there" have been convictions. We are not sleeping. 1 concede, there are violations of the Act. Our inspectors are working and wherever there are violations, we always launch prosecutions and we take action. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: What about coal? *(Interruptions).* He is evading the answer. *(Interruptions)*

MR. DEPUTY CHAIRMAN: Please allow the Minister to answer.

SHRI P. A. SANGMA: Sir, as far as the coal sector i$_s$ concerned, raising or raising the ceiling of coalj coal

loading and unloading, soft coke manufacture, overburden removal and earth cutting, driving of stone grades and miscellaneous stone-cutting; in all these sectors this has been implemented as far back as in 1975. *{Interruptions)*

SHRI GURUDAS DAS GUPTA: The facts are otherwise. The trade unions have complained repeatedly that Labour Ministry is not taking any action.

MR. DEPUTY CHAIRMAN: You cannot go on giving a running commentary.

SHRI P. A. SANGMA: Sir, as I said, this is a Bill through which we are moving towards evolving a uniform labour policy in this country. I would request the House to pass the Bill.

MR. DEPUTY CHAIRMAN: Now, I will put the Resolution to vote.

The question is;

"That this House disapproves of the Contract Laour (Regulation and Abolition) Amendment Ordinance, 1986 (No. 3 of 1985) promulgated by the President on the 28th January, 198ti."

The motion was negatived.

MR. DEPUTY CHAIRMAN- I will now put the Motion for consideration of the Bill to vote. The question is:

"That the Bill to amend the Contract Labour (Regulation and Abolition) Act, 1970, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up the clause-by-clause consideration of the Bill.

Clauses 2 and 3 *were added to the Bill.*

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI P. A. SANGMA: Sir, I bes to move:

"That the Bill be passed." ,

The Question was put and the motion was adopted.

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE ADMINISTRATIVE TRIBUNALS (AMENDMENT) ORDINANCE, 1986 (No. 1 OF 1986) PROMULGATED BY THE PRESIDENT

ON THE 22ND JANUARY, 1986

II. THE ADMINISTRATIVE TRD3UNALS (AMENDMENT) BUI, 1986

श्री कैलाश पति मिश्र (बिहार) : उपसभापति महोदय, मैं 22 जनवरी, 1986 को राष्ट्रपति द्वारा प्रख्यापित प्रशासनिक अधिकरण (संशोधन) अध्यादेश, 1986 (1986 का संख्या 1) का निरनुमोदन करता हूं।

महोदय, इस कारण से यह संशोधन विधेयक लाना पड़ा है, पहले भी जिस कारण से यह विधेयक पारित करना पड़ा, यह स्पष्ट नहीं है। पहली दृष्टि यह होनी चाहिए कि हम किसका हित करना चाहते हैं। सरकार के पास शक्ति है, मोनोपलि ट के पास शक्ति है, इंप्लायर्स के पास शक्ति है। इसमें अगर कोई निरीह व्यक्ति दिखाई देता है तो वह कर्मचारी है चाहे सार्वजनिक क्षेत्र में कार्य कर रहा हो या निजी क्षेत्र में। उसकी कठिनाइयां किस किस प्रकार की हैं, इसकी चर्चा करना आवश्यक है। एक तो अल्प वेतन भोगी हैं, कोई न कोई आरोप लगाकर उसको दंडित कर दिया जाता है। फिर वह ट्राब्यूनल में जाता है। अगर वहां भी न्याय नहीं मिला तो हाई कोर्ट और सुप्रीम कोट का दरवाजा उसके